

1 Q. Okay.

2 A. And that was very hard to accept for me. You  
3 know, I was more naive, and kind of, you know, shrug it  
4 off and kept on going. But that happened at that point.

5 Q. Okay. So at that time you thought that there was  
6 discrimination or there was --

7 A. Yes. But I, I kind of let it go.

8 Q. Did you tell anyone that you thought there was  
9 discrimination present?

10 A. Not really. It was within my thoughts and my  
11 family at that time.

12 Q. I'm sorry, within your thoughts?

13 A. And my family.

14 Q. And your family?

15 A. My wife.

16 Q. Did you talk to your co-workers about it or your  
17 ex-co-workers at that time?

18 A. Not really.

19 Q. Yes or no?

20 A. No.

21 Q. And the co-worker who was laid off on project  
22 number 2, the one who was laid off before you, what was  
23 his age?

24 A. He was older than I.

B 51

**W&F**  
WILCOX & FETZER LTD.  
Registered Professional Reporters

1 Q. Older than you, okay.

2 A. I think his first name is Mario. But I don't  
3 recall his last name.

4 Q. Do you believe that he was laid off because of  
5 his age?

6 A. I couldn't tell you. You know, that's his  
7 personal...

8 Q. Fair enough. Did you see at the time, in 1993  
9 when you were laid off, did you see any correlation  
10 between the fact that a project ended and a person was  
11 laid off, both you and your co-worker?

12 A. If I use that as the reference, yes.

13 Q. Did they conduct any exit interview at that time?

14 A. It is the same thing that they did the recent  
15 time. It is just signing papers and turn in like ID  
16 cards and business, corporate cards. And, you know,  
17 signatures.

18 Q. Okay.

19 A. And again, it is that form that it says, BE&K  
20 marked that you are rehired -- you know, qualified to be  
21 rehired.

22 Q. And you were eligible for rehire when you left in  
23 1993?

24 A. Mm-hmm.

B 52

**W&F**

**WILCOX & FETZER LTD.**  
Registered Professional Reporters

1 Q. Were other people getting laid off at that time  
2 also?

3 A. Yes.

4 Q. You said there was a bunch of you packing up, I  
5 think you said?

6 MR. ANGLADE: Object.

7 A. Yes. Well --

8 MR. ANGLADE: Object to the extent it  
9 mischaracterizes the prior testimony of the witness. You  
10 can answer.

11 Q. Were there other people being laid off at the  
12 time?

13 A. Correct.

14 Q. And who was that?

15 A. I only recall their faces.

16 Q. How many people?

17 A. I don't recall the name, but more than three.  
18 Maybe more than two.

19 Q. Including yourself?

20 A. Correct.

21 Q. Okay. So more than ten?

22 A. It is kind of hard to tell.

23 Q. I'm just trying to reference the earlier  
24 statement that you had made regarding, and I believe the



WILCOX & FETZER LTD.  
Registered Professional Reporters

1 words were a bunch of you packing up.

2 A. Well, a couple, we tend to think it is two. A  
3 bunch, maybe four.

4 Q. Is there a specific?

5 A. Four or five.

6 Q. Is there a specific incident that you are  
7 referring to or you just mean during that time period?

8 A. During that time period.

9 Q. So it wasn't you and co-workers standing together  
10 at one specific time?

11 A. Within a matter of -- within days.

12 Q. Okay. Now, do you recall, was the Employee  
13 Solution Program in place at this time, 1993?

14 A. I don't recall.

15 Q. Now, when you sat down or discussed with Mr.  
16 Fraser, when he told you about the layoff, at that time  
17 was there any communication about maybe upcoming work,  
18 more projects?

19 A. Well, I don't think. It is kind of hard to tell  
20 for him because it is like looking at a crystal ball and  
21 you don't see anything.

22 Q. Right. Did you say that you would be willing to  
23 pick up more projects if they should come in?

24 A. Correct.

B 54



WILCOX & FETZER LTD.  
Registered Professional Reporters

1 MR. ANGLADE: Object to the form to the  
2 extent it calls for a legal conclusion. You can answer.

3 MS. DIBIANCA: Okay. Just for the record, I  
4 have to say no speaking objections in Delaware. It is  
5 just object, kind of period. Like one or two words is  
6 the general standard. It doesn't bother me, but I  
7 probably should put it on the record.

11 MS. DIBIANCA: Not the local rules, not  
12 Delaware local rules.

13 MR. ANGLADE: Under the federal rules I am  
14 permitted to voice my objections on the record.

15 BY MS. DIBIANCA:

16 Q. All right. So let's rephrase the question. Did  
17 you feel that your being laid off in 1993 was related to  
18 something other than your project ending?

19 A. Yes.

20 Q. And when did you first feel that way?

21 A. When I was -- the same day that they told me that  
22 I was laid off, I was packing my things, and I could see  
23 young people coming in with their boxes, coming in. And  
24 if they are coming to the group, they are engineers.

**W&E**

**WILCOX & FETZER LTD.**  
Registered Professional Reporters

B 55

1 Q. So they were coming into your department?

2 A. To the department.

3 Q. Okay. And how many people? How many young  
4 people?

5 A. I recall either three or four.

6 Q. And they were walking in as a group together?

7 A. Yes. They were like marching in.

8 Q. And it was your impression that they were new  
9 employees?

10 A. And they were.

11 Q. You found out later that they were?

12 A. The second time that I went to work with BE&K,  
13 same fellows that came in at that time, and because I was  
14 able to talk to them in conversations, casually, the  
15 issue came up.

16 Q. When you say you talked to them in a casual  
17 conversation, that would have been when you returned to  
18 BE&K?

19 A. Yes, yes.

20 Q. And what were their names?

21 A. I don't recall. The fellow is now with DuPont.

22 Q. Okay. Were they male? Female?

23 A. Male.

24 Q. All three or four of them were male?

**W&F**

**WILCOX & FETZER LTD.**  
Registered Professional Reporters

**B 56**

1 A. I think I saw a female in the group.

2 Q. One female?

3 A. I think so. Well, let me say yes, I know they  
4 were not all guys, males.

5 Q. And all four of them or three or four of them  
6 were employees at BE&K when you returned in 2000?

7 A. Right.

8 Let me interject something that I said  
9 before. All States became subsidiary of BE&K just  
10 recently, like maybe five years ago. Not at that time  
11 that, the first time that I was working for BE&K.

12 Q. So All States didn't have a role?

13 A. At that time.

14 Q. At that time, okay.

15 A. It was hiring directly.

16 Q. Let's talk about the casual conversations you've  
17 had with them when you returned. Tell me about that.

18 A. I asked this individual, you know, when he came  
19 in to the work with BE&K. And he told me the date. So,  
20 you know, I said bingo, you know, it is the time that I  
21 was laid off.

22 Q. So he started --

23 A. That was when I left, September the 24th or the  
24 23rd of 1993. And again, I recall that because of my



WILCOX & FETZER LTD.  
Registered Professional Reporters

1 wedding anniversary.

2 Q. And then what other conversations did you have  
3 that made you conclude that they had started when you  
4 were laid off?

5 A. That's basically it.

6 Q. The one conversation?

7 A. Yes.

8 Q. And that was a male?

9 A. Yes.

10 Q. And so as to the other two or three people, what  
11 made you think that they were also starting at that time?

12 A. Well, I don't -- you know, I never talked to  
13 anybody else that I could relate dates and when they  
14 would start, when they started.

15 Q. The person you did talk to that started around  
16 September 24, 1993, was he in process?

17 A. Correct.

18 Q. And what was his title or level?

19 A. You know, the lowest level, entry-level.

20 Q. So when you left in 1993 you did talk to your  
21 family about it, but never complained, never filed a  
22 charge?

23 A. No.

24 Q. Did you ever talk to John Trexler about it?



WILCOX & FETZER LTD.  
Registered Professional Reporters

1 Q. Did you feel, then, that it was more of the 1  
 2 general business more than Walt Frazer himself, or do you 2  
 3 feel that Walt Frazer had some sort of bias? 3

4 A. More the business. 4

5 Q. Okay. Now, before you got laid off, did you see 5  
 6 young people being hired before your layoff? 6

7 A. I didn't see anybody that I recall. 7

8 Q. Okay. So your concern with the younger people 8  
 9 was just around the time that you were being laid off? 9

10 A. The same day. 10

11 Q. Same day, okay. Same day. 11

12 A. So if that happened the same day, things were 12  
 13 being cooked before. 13

14 Q. Being? 14

15 A. You know, worked out with the new hires. 15

16 Q. Right, okay. Interviews and whatnot? 16

17 A. Yes. 17

18 Q. All right. So after BE&K you went to where? 18

19 A. I went with at that time Tosco Refining Company 19  
 20 in north Jersey, the one in Linden. 20

21 Q. Did you say you had worked there before or no? 21

22 Why is that name triggering a bell? 22

23 A. Yes, we mentioned it before. 23

24 Q. But you hadn't worked there before? 24



WILCOX & FETZER LTD.  
Registered Professional Reporters

1 in Texas?

2 A. In Delaware, when I worked for Getty, Texaco,  
3 Star.

4 Q. Okay. So it is more along the lines of what you  
5 did at Star Enterprise? Yes?

6 A. Yes.

7 Q. Okay. Sorry. Now, Tosco, was that a contract  
8 arrangement with them?

9 A. No. Directly hired.

10 Q. How many at the Linden facility, how many  
11 engineers did they have there?

12 A. In the process group, we were about eight.

13 Q. Eight full-time?

14 A. Right.

15 Q. They were all doing similar work?

16 A. Similar. I'm sorry to jump in.

17 Q. The resume back on Perez 6, it looks like there  
18 is two different Toscos listed, one in Linden, which we  
19 just talked about, and then one in Marcus Hook.

20 A. Right.

21 Q. Can you tell me about the transition from one to  
22 the other?

23 A. Well, it was basically a transfer, because it was  
24 a new facility and they needed more personnel at.



WILCOX & FETZER LTD.  
Registered Professional Reporters

B 60

Q. The Marcus Hook was a new facility?

A. Well, it used to be owned by BP.

Q. New to Tosco?

A. Right.

Q. Newly owned facility, I'll say.

Was that a voluntary transfer? Did you ask  
to be transferred?

8 A. It was kind of a combination of those. They told  
9 me it was available and I said, well, it is better than  
10 driving that long distance. And again, it was because my  
11 wife had it with the commute.

Q. Was it posted internally somehow? How did you find out about it?

A. Internally.

Q. Through a newsletter or some other way?

16           A.    No, the manager of our department at the Linden  
17 facility said that there was a deficiency in the tech  
18 service engineering.

Q. Now, did you move after that transfer?

A. Yes, came back to Delaware.

21 Q. Your job title was the same when you switched  
22 over?

A. Yes.

Q. Same job duties as well?

1       A. Yes. In this refinery, there are so many  
2 operating units within, and you could be working on some  
3 section of the refinery, and then another section, so it  
4 could be any. And there were different units when I went  
5 from Linden to the other.

6       Q. So it was more diverse maybe?

7       A. Oh, yes.

8       Q. When did you leave Tosco, the Marcus Hook  
9 facility?

10      A. Let me see here. I think I spent there a couple  
11 years. About three years.

12      Q. So we will say the early part of 2000?

13      A. Just before I came back to work for BE&K.

14      Q. How much of a time gap was there between leaving  
15 Tosco and starting at BE&K?

16      A. Maybe a matter of a month or so.

17      Q. Why did you leave Tosco?

18      A. Well, at that particular time I had major family  
19 problems with my younger son, and I leave at that point.

20      Q. I didn't hear the rest of it.

21      A. Well, I will not discuss --

22      Q. No, I just didn't hear the words that you said.

23 Do you want me to have her read it back?

24      A. Well, you asked me about why did I leave Tosco

**W&F**

**WILCOX & FETZER LTD.**  
Registered Professional Reporters

**B 62**

1 Trainer, and I'm just saying that I needed to be very  
2 close to my home because personal situation with my  
3 younger son.

4 Q. Okay.

5 A. I said I would leave it at that.

6 Q. That's the part I didn't hear. I didn't hear the  
7 last few words.

8 So it was for, you say you had to be closer.

9 So is that because the job was too far?

10 A. Well, the distance was about 40, 45 minutes.

11 Q. Tell me one more time, where were you living at  
12 this time?

13 A. In Delaware.

14 Q. In Delaware, okay. So you wanted to find  
15 something, find work that was closer to your home?

16 A. Very close. Actually at that time I had talked  
17 to John Trexler again.

18 Q. At what time?

19 A. At the time that I, within the time that I left  
20 Tosco at Trainer, because I wanted a job in Delaware, so  
21 I made sure that something was available.

22 Q. So did you have the job at BE&K before you left  
23 Tosco?

24 A. No, no. I was working on it.

B 63

**W&F**

WILCOX & FETZER LTD.  
Registered Professional Reporters

1 Q. Okay.

2 A. Working, trying to get a job.

3 Q. But you spoke to John Trexler?

4 A. Right.

5 Q. Before you left Tosco?

6 A. Yes.

7 Q. Did you have any other job opportunities  
8 available that you were working on other than BE&K when  
9 you left Tosco?

10 A. No. It was easier for me to, you know, do it  
11 through John Trexler. It was going to be ten minutes  
12 from my house, driving distance or time.

13 Q. So we are at BE&K now, 2000. What was the  
14 communication between you and John Trexler regarding  
15 employment there?

16 A. Again, a very simple question, if there were  
17 opportunities in BE&K at that time. And he told me yes.  
18 And that he was going to, you know, put a good word with  
19 the manager, which was Pete Howe at that time.

20 Q. Okay. Did you apply formally?

21 A. Yes.

22 Q. Now, did you talk to anyone else besides John  
23 Trexler before you applied, any other friends at BE&K?

24 A. No. John Trexler.



WILCOX & FETZER LTD.  
Registered Professional Reporters

1 Q. Now, you had already worked at BE&K in 1993 and  
2 been laid off. Were you concerned about being laid off a  
3 second time?

4 A. You think about it. But one detail is that in  
5 1993, during that time, BE&K was kind of starting,  
6 structuring themselves, and it was kind of pretty not  
7 organized as well as when I went back.

8 Q. So Perez 6, do you think, is this the resume that  
9 you would have turned into BE&K?

10 A. Yes.

11 Q. Did you write this?

12 A. Yes.

13 Q. Did you type it?

14 A. Yes.

15 Q. Did you submit a resume after leaving Tosco?

16 A. I was kind of planning, so I waited pretty much.  
17 I think I had the interview before I left.

18 Q. Oh, you had the interview at BE&K before you  
19 left--

20 A. Right, right.

21 Q. -- before you left Tosco?

22 A. Yes. I wanted to make sure. I didn't want to be  
23 without a job. So I made it such a way that the  
24 transition was I left this place, I have a job between



WILCOX & FETZER LTD.  
Registered Professional Reporters

1 days or whatever.

2 Q. So why was it a month then?

3 A. A month?

4 Q. You said it was a month between leaving Tosco and  
5 starting at BE&K? Is that maybe --

6 A. No, that's not correct.

7 Q. Well, what was the amount of time before leaving  
8 Tosco and starting at BE&K? How about that?

9 A. It is a matter of maybe weeks or a week. Because  
10 it says January '97 to present, and the present at that  
11 time was 1999, early '99. And from there I went with  
12 BE&K.

13 Q. Did you move before you started working at BE&K?

14 A. No. I was in Delaware already.

15 Q. You were in Delaware when you started at BE&K?

16 A. Yes, yes.

17 Q. I'm going to say it one more time so I'm clear.  
18 You were living in Delaware when you started at BE&K; is  
19 that correct?

20 A. Correct.

21 Q. Okay. Did you move back to Delaware while you  
22 were still working at Tosco?

23 A. Yes, once, you know, I was transferred from  
24 Linden, New Jersey to Marcus Hook.

B 66



WILCOX & FETZER LTD.  
Registered Professional Reporters

1 Q. So you had interviewed at BE&K while you were at  
2 Tosco; is that correct?

3 A. Yes.

4 Q. But you didn't have the formal offer yet?

5 A. I had it, because I wouldn't leave Tosco without  
6 having a job, secured job.

7 Q. Who did you interview with for the position?

8 A. Pete Howe.

9 Q. Pete Howe.

10 A. And there was a project manager that I had worked  
11 with him before when I was working for BE&K the first  
12 time. I'm trying to recall his name. Kind of difficult.

13 Q. It was a male, though?

14 A. Yes.

15 Q. That was at the same interview? They were both  
16 there?

17 A. Well, what happened is that I was interviewing  
18 with Pete, because Trexler knew me so there was not too  
19 much needed to go around with more people, and I worked  
20 with them before, so the project manager happens to show  
21 up, step at the door, and then he said that, you know, he  
22 had worked for -- I had worked for him before, I was a  
23 good man. That's the term that we use when you are  
24 pretty much a good performer and the person had worked



1 A. 51.

2 Q. 51 it is. Now, at this time you still had no  
3 relationship with All States, right?

4 A. No, not at all.

5 Q. Have you ever had any relationship with them,  
6 employment?

7 A. No.

8 Q. Your job title at this time?

9 A. Position, what they offer, again, senior  
10 engineer.

11 Q. Okay. Now, when you started back in 2000, same  
12 department, was it the same job duties?

13 A. In general, yes.

14 Q. What was different, if anything?

15 A. Well, the projects were larger. There were  
16 additional duties. Within what I used to do there were  
17 some extra things like, for example, really writing what  
18 we call a complete specification for particular process  
19 equipment.

20 Q. You did that in 1993 or you did that in 2000?

21 A. I did some in 1993, but not that many, for less  
22 complicated equipment.

23 Q. So you did that more in 2000?

24 A. Yes.

B 68



WILCOX & FETZER LTD.  
Registered Professional Reporters

1 Q. Okay. But process gets first because they have  
2 to create the process?

3 A. Yes.

4 Q. Okay. And the project that you were working on,  
5 you were the only process engineer?

6 A. Yes.

7 Q. On that, okay. Is that a project that I can get  
8 a name for?

9 A. I think the site, it is Old Hickory.

10 Q. Old Hickory, okay.

11 A. I don't recall the state. But it was --

12 Q. Was that in Delaware?

13 A. Oh, no. Old Hickory, it is like mid state, but  
14 we did the work here in Delaware.

15 Q. "Mid state," what does that mean? Oh in the  
16 midwest you mean?

17 A. Yes.

18 Q. And that's where the company was?

19 A. It is a DuPont site.

20 Q. We will just call it Old Hickory.

21 A. Yes.

22 Q. How long did that last?

23 Well, let me ask you first, that was the  
24 first project you started working on when you came back



WILCOX & FETZER LTD.  
Registered Professional Reporters

B 69

1 in 2000?

2 A. As I recall.

3 Q. How long did that last?

4 A. It was less than a year.

5 Q. Who was your supervisor at this time?

6 A. If I'm not mistaken, it was Pete Hall, H-A-L-L.

7 Q. It is H-O-W-E.

8 A. What did I say?

9 MR. ANGLADE: Are you saying it is Pete Hall  
10 or Pete Howe?

11 A. No. Howe is the department manager. Pete Hall  
12 is a project manager.

13 Q. Sorry. It was you and then above you was Hall,  
14 H-A-L-L, and then above him was Howe, Pete Howe, H-O-W-E?

15 A. Well, what happened is that the BE&K structured  
16 in such a way that the process group, which are quite a  
17 few engineers, it is managed by Pete Howe. And he is the  
18 one really managing the personnel, who works where and  
19 that kind of thing.

20 Q. Okay.

21 A. Pete Hall manage, it is like a project manager.

22 Q. Okay. He was not department wide?

23 A. That's correct. That's correct.

24 Q. Okay. Got it. Now, what happened at the end of



WILCOX & FETZER LTD.  
Registered Professional Reporters

1 the project, the Old Hickory project?

2 A. The only thing that I remember, it has been  
3 assigned to the White Pigments in DuPont. Again, the  
4 project manager there was Pete Hall again. And I stay  
5 there for about maybe a year in that project.

6 Q. You were doing all the work from the Newark  
7 facility?

8 A. No. At that time they had two buildings. One,  
9 the one I was doing was at the Corporate Commons, behind  
10 Wilmington Airport.

11 Q. Okay. Nothing out of state though?

12 A. No.

13 Q. When the first project, Old Hickory, ended, how  
14 did you find out that it was over?

15 A. Well, they don't need you anymore, and pretty  
16 much Pete Howe is aware of it, so he is the one that  
17 decides what else I'm going to be doing.

18 Q. Now, you were able to foresee it was coming to a  
19 close, that your work was finishing on that?

20 A. Yes.

21 Q. And for you, when did you realize that it was  
22 coming to an end? Were you able to know a week? Or a  
23 month?

24 A. That particular project, what was assigned to me,



WILCOX & FETZER LTD.  
Registered Professional Reporters

1 it is going to a completion, so you know that after that  
2 you won't have anything else to do except where Pete Howe  
3 assigns you to.

4 Q. Is there a process for you to contact Pete Howe  
5 or whoever that manager was at the time?

6 A. They are aware of what is going on so --

7 Q. They come to you?

8 A. Or they called me and said, "I got this for you."

9 Q. And then did he call you about the White Pigments  
10 project when you were still working at Old Hickory, on  
11 the Old Hickory project?

12 A. No. That Old Hickory project was ended.

13 Q. And then you were on general overhead at that  
14 point?

15 A. Yes, for, until they give you or assign you to a  
16 different project.

17 Q. How long were you on general overhead?

18 A. Oh, I cannot tell you that.

19 Q. More than a month?

20 A. No.

21 Q. So while you were on general overhead then you  
22 hear from Pete Howe?

23 A. Yes.

24 Q. About White Pigments? About a new assignment?

**W&F**

**WILCOX & FETZER LTD.**  
Registered Professional Reporters

**B 72**

1 A. Yes. What I have left was the White Pigments  
2 area. Old Hickory, White Pigments, that's --

3 Q. Old Hickory, a little general overhead, and then  
4 White Hickory?

## 5 A. White Pigments.

6 Q. White Pigments, I'm sorry. Did you know anything  
7 about the White Pigments project prior to leaving, prior  
8 to finishing Old Hickory?

9 A. It is about, kind of synchronized that Pete Howe  
10 already is kind of looking where he is going to put you,  
11 give you an assignment while this one is winding down.

12 Q. He manages that from his end, saying when people  
13 are finished versus what is coming up?

14 A. Correct.

15 Q. But you don't recall getting an assignment until  
16 that decision is finalized?

17 A. Yes.

18 (Discussion off the record.)

19 (Lunch recess taken.)

20 BY MS. DIBIANCA:

21 Q. We are at BE&K, setting the scene at BE&K at your  
22 return in 2000. We had just finished talking about the  
23 Old Hickory project ended, then you were on GO for less  
24 than a month, and then White Pigments.

W&F

**WILCOX & FETZER LTD.**  
Registered Professional Reporters

B 73

1 A. I think so.

2 Q. And the White Pigments project lasted how long,  
3 approximately?

4 A. A few months.

5 Q. Less than a year?

6 A. Yes, definitely.

7 Q. More than two months, though?

8 A. Two, three.

9 Q. Three months, okay. Pardon me if I'm asking the  
10 same thing twice. But were there other engineers,  
11 process engineers on the White Pigments project?

12 A. At the beginning, because I was doing something  
13 else within that White Pigments division, but then  
14 another project came in and I was there by myself.

15 Q. So let me ask you this: White Pigments, you  
16 started when it started? It was not an ongoing process  
17 project; is that right?

18 A. That's correct.

19 Q. So when that started there were other process  
20 engineers with you at that time?

21 A. Not when the project started. I was doing like  
22 general things in White Pigments, design form change.

23 Q. The standard sort of things you do in the  
24 beginning of a project?

**W&F**  
WILCOX & FETZER LTD.  
Registered Professional Reporters

**B 74**

1           A. They were independent of that project. And then  
2 the project came up, and...

3           Q. So this was when you were on general overhead?

4           A. No. I wouldn't put it as general overhead. It  
5 was under the White Pigments function.

6           Q. And then when did other engineers come?

7           A. It is a little bit backwards.

8           Q. Sorry.

9           A. When I started at the beginning, White Pigments,  
10 there were a couple of engineers with me doing the same  
11 thing. I don't know if you care to know. We were doing,  
12 designing relief devices to control pressure in some of  
13 these vessels. And we finished that with a few months.  
14 And then the particular project in White Pigments  
15 started.

16           Q. Okay. So it was for the White Pigments project,  
17 but a different part of it?

18           A. Yes.

19           Q. And the other engineers were on the relief part  
20 of it?

21           A. Yes.

22           Q. And they did not continue on to the regular  
23 project part of it?

24           A. They stay during that.

B 75

**W&F**

**WILCOX & FETZER LTD.**  
Registered Professional Reporters